

Introduced by

1 A BILL for an Act to amend and reenact subsection 3 of section 37-17.1-12 and sections
2 37-17.1-16, 37-17.1-17, and 37-17.1-27 of the North Dakota Century Code, relating to liability
3 and immunity during disaster responses.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 37-17.1-12 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. Compensation for property must be only if the property was commandeered or
8 otherwise used in management of a disaster or emergency declared by the governor
9 and its use or destruction was ordered by the governor.

10 **SECTION 2. AMENDMENT.** Section 37-17.1-16 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **37-17.1-16. Immunity and exemption.**

13 1. All functions hereunder and all other activities relating to emergency management are
14 hereby declared to be governmental functions. ~~The state, a county or city, any~~Any
15 disaster or emergency worker, an employee of a federal agency on loan or leave to
16 the state in support of emergency service response whether the emergency is
17 declared or undeclared, or any other ~~person~~individual providing goods or services
18 during an emergency if the ~~person~~individual is working in coordination with and under
19 the direction of an appropriate governmental emergency or disaster response entity,
20 complying with or reasonably attempting to comply with this chapter, or any executive
21 order or disaster or emergency operational plan pursuant to this chapter, or pursuant
22 to any ordinance relating to any precautionary measures enacted by any county or city
23 of the state, except in case of willful misconduct, gross negligence, or bad faith, is not
24 liable for the death of or injury to persons, or for damage to property, as a result of any

1 such activity. This section does not affect the right of any person to receive benefits to
2 which that person would otherwise be entitled under this chapter, or under workforce
3 safety and insurance law, or under any pension law, nor the right of any such person
4 to receive any benefits or compensation under any Act of Congress.

5 2. Any requirement for a license to practice any professional, mechanical, or other skill
6 does not apply to any authorized disaster or emergency worker who, in the course of
7 performing the worker's duties, practices the professional, mechanical, or other skill
8 during a disaster or emergency.

9 3. This section does not affect any other provision of law that may provide immunity to a
10 person that is providing volunteer assistance.

11 **SECTION 3. AMENDMENT.** Section 37-17.1-17 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **37-17.1-17. No private liability.**

14 Any person owning or controlling real estate or other premises who voluntarily and without
15 compensation grants a license or privilege, or otherwise permits the designation or use of the
16 whole or any part or parts of such real estate or premises for the purpose of emergency
17 management activities during an actual, impending, mock or practice disaster or emergency, is,
18 together with their successors in interest, if any, not civilly liable, except in the case of gross
19 negligence, for negligently causing the death of, or injury to, any person on or about such real
20 estate or premises or for loss of, or damage to, the property of such person.

21 **SECTION 4. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **37-17.1-27. State disaster relief fund - Creation - Uses.**

24 There is created in the state treasury a state disaster relief fund. Moneys in the fund are to
25 be used subject to legislative appropriations and emergency commission and budget section
26 approval for providing the required state share of funding for expenses associated with
27 presidential-declared disasters in the state and for the payment of any expenses incurred under
28 or authorized by this chapter. Any interest or other fund earnings must be deposited in the fund.